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Biomeasure Incorporated  
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In re Application of :  
Dong et al. :  
Application No. 09/856,676 : DECISION ON  
PCT No.: PCT/US99/28929 :  
Int. Filing Date: 07 December 1999 : PETITION UNDER  
Priority Date: 07 December 1998 :  
Atty. Docket No.: 00537-187002 : 37 CFR 1.137(b)  
For: GLP-1 Analogues :

This is in response to the "Petition To Withdraw Examiner's Holding Of Abandonment" filed on 26 January 2004.

### **BACKGROUND**

This international application was filed on 07 December 1999, claimed an earliest priority date of 07 December 1998, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 15 June 2000. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. The 30 month time period for paying the basic national fee in the United States expired at midnight on 07 June 2001. On 25 June 2001, applicants filed *inter alia* the basic national fee.

On 30 January 2002, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an initial or substitute computer readable form (CRF) of the sequence listing and a statement that the contents of the paper or compact disk and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

On 25 November 2003, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants, indicating that this international application had become abandoned with respect to the national stage in the U.S. for failure to timely reply to the Notification of Missing Requirements.

### **DISCUSSION**

Counsel requests withdrawal of the holding of abandonment on the basis that a proper reply was filed on 01 April 2002. Inspection of the application file reveals that the original response filed on 01 April 2002 is present. As such, the holding of abandonment was improper. The Notification of Abandonment mailed on 25 November 2003 is hereby **VACATED**.

**DECISION**

The petition is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch for further processing, including transferring the CRF from application number 09/206,833 to the present application. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **16 July 2001**.



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